

**TO:** Michael Hritz, Director Department of Community Development

**FROM:** John Barree, PP, AICP, LEED Green Associate

**RE:** Block 252, Lot 1.06 Area in Need of Redevelopment Investigation

**DATE:** July 26, 2024

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### **Introduction**

The Township Council of North Brunswick adopted Resolution 368-1223 (“Council Resolution”) on December 18, 2023, authorizing the Planning Board to undertake a preliminary investigation to determine whether Block 252, Lot 1.06 qualifies as an “area in need of redevelopment” as defined in the Local Redevelopment and Housing Law *N.J.S.A. 40A:12A-1 et seq.* (“LRHL”). The Council Resolution specifies that the investigation shall be to determine if the Study Area is a “non-condemnation” area, which means that condemnation, or eminent domain, would not be an option if the property is designated as an area in need of redevelopment.

The Redevelopment Study Area map (see Figure 1) constitutes a “map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein”. This report serves as the “statement setting forth the basis for the investigation” which is required by Section 6(b) of the LRHL (N.J.S.A. 40A:12A-6).

HGA was authorized to conduct the preliminary investigation and prepare a report. Based on the Firm’s review of the property history and conditions, there is any substantial evidence to support a finding that the property is in need of redevelopment under the statutory criteria set forth in the LRHL. In short, the Study Area consists of one lot, which is a vacant, undeveloped parcel with major highway frontage, no serious topographical, environmental, or other encumbrances, no conditions of title that would impede a substantial development project, and no other conditions creating a detriment to the welfare of the Township.

This memo provides a brief overview of the conditions, and a review of each of the eight statutory criteria. If the Township desires, a more complete report can be prepared, but it is the Firm’s opinion that the investigation has not revealed any substantial evidence to support a finding that the area is in need of redevelopment.



0 500 1,000 US Feet

Sources: NJOIS, NJGIN, NJDEP, NJDOT, NOAA, NWS

**Aerial Map**  
Block 252 Lot 1.06  
North Brunswick, NJ

Figure 1 - Study Area Map

## Study Area and Location

### Overview

The Township of North Brunswick is in the eastern portion of Essex County. The neighboring municipalities to the north (New Brunswick), east (Milltown and East Brunswick), and south (South Brunswick) are also part of Middlesex County, whereas those to the west (Franklin Township) are in Somerset County. Major thoroughfares which bisect North Brunswick Township include U.S. Routes 1 and 130.

The Study Area includes Lot 1.06 of Block 252, which is located in the northwestern section of the Township, along the northbound lanes of U.S. Route 1. This large, undeveloped lot also includes frontage along the southern end of College Farm Road, which connects to the adjacent campus of Chamberlain University – North Brunswick (formerly DeVry University). To the west of the Study Area are the recreational land and fields of the David B. Crabiel Park, and to the southwest are predominately single-family residential dwellings. Directly across from the Study Area along the southbound side of Route 1 is the New Jersey Bioscience Center. Further, the Study Area is located less than 2 miles from the Cook/Douglass Campus of Rutgers University.

While most of the Study Area is open grass space, a few clusters of trees are located throughout the site. The site is not constrained by wetlands and does not include any bodies of water.

Per Middlesex County property assessment data Lot 1.06 has been owned by North Brunswick Executive Park LLC., as of May 2023. Prior to being sold, the Study Area was owned by the New Jersey Economic Development Authority (NJEDA).

### Site History

The Study Area includes approximately 580 feet of frontage along the northbound lanes of U.S. Route 1, and approximately 750 feet of frontage along College Farm Road. According to Historic Aerials and County records, the Study Area has not been developed with any built structures since the 1930s. Nonetheless, the Study Area's proximity to the State Bioscience Center and Rutgers Cook/Douglass Campus has subjected it to State-driven economic development and transportation projects in recent years.

The existing 23.78-acre Study Area (i.e., Lot 1.06) was created from two (2) subdivisions, in 1995 and in 2004. In 1995, the Study Area was a part of Lot 1.01, which was subject to a bridge abutment modification. This modification added new panels and improved the structure of an existing underpass from the east side of Route 1 to the west side, providing access to the State Bioscience Center. The subdivision of Lot 1.01 in 1995 created Lot 1.04. In 2004, Lot 1.04 was itself subdivided to create the original 24.78-acre Lot 1.06 and Lot 1.05.



In 2009, the existing Consent Agreement for Lot 1.06 was amended to account for nearby development by the New Jersey Department of Transportation (NJDOT), as Lot 1.06 was located within Section 6V of the NJDOT's Liberty Corridor. The Department's goals for Section 6V included improving access to the Cook/Douglass Campus by means of road improvements, the addition of traffic signals, and the development of vacant parcels adjacent to the NJ Bioscience Center.

A deed from March 2011 outlines the initiation of such roadway improvements by the NJDOT from Route 1 North onto College Farm Road. Within the deed, a 1-acre portion of the original Lot 1.06 was granted to the NJDOT, creating the current 23.78-acre Lot 1.06/Study Area. Plans for a temporary divisionary road line within this 1-acre parcel are summarized in the deed, and alterations of the existing roadway are evident in Google Earth aerial images from June 2010 (Figure 3). This aerial map displays an entirely new exit roadway from August 2008 (Figure 2). However, just two years later, the original roadway/traffic patterns from Route 1 to College Farm Road were restored. This is evident in an aerial image of the Study Area from November of 2012 (Figure 4).



*Figure 2 – Google Earth Aerial from August 2008 (Original Exit Traffic Pattern)*



*Figure 3 – Google Earth Aerial from June 2010 (New Roadway + Traffic Pattern)*



*Figure 4 – Google Earth Aerial from November 2012 (Original Traffic Pattern Restored)*

Periodically, the Study Area has been the site of local fairgrounds during the summer months, as evident in Google Earth aerials from 2010, 2019, and 2022.



*Left: Figure 5 – Google Earth Aerial from June 2010 (Fairgrounds)*



*Right: Figure 6 – Google Earth Aerial from June 2019 (Remains of Fairgrounds)*





Figure 7 – Google Earth Aerial from June 2022 (Fairgrounds)

### EDA Context

In 2013, an expansion of the State Bioscience Center into the Study Area was conceptualized, but never executed. This conceptual plan envisioned five (5) research buildings and offices on the site, as well as landscaping, and three (3) detention basins. The site had been rebranded as the “Tech Expansion Property” and even was the subject of a formal request for proposal (RFP) progress in 2022. The RFP process was terminated in October 2022 and the property was sold to the current owner in May 2023.

### Criteria for Redevelopment Area Determination

The criteria contained in Section 5 of the LRHL that were considered in evaluating the Study Area are the following:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

***There are no buildings in the Study Area, so this criterion does not apply.***

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two

consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

***There are no buildings or commercial uses in the Study Area, so this criterion does not apply.***

- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

***The Study Area meets the first prong of criterion "c" because it consists of unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution. However, there is no evidence to support the second prong, which requires a showing of one of the following:***

- ***Location, Remoteness, Lack of means of access – the Study Area has frontage on Route 1 and is adjacent to other developed properties in the Township.***
- ***Topographical conditions – the Study Area does not have any exceptional topographical conditions. It is generally flat as evidenced by its seasonal use for fairs and other events.***
- ***Nature of the soil – a review of NJDEP GeoWeb mapping tools does not indicate the presence of any potential wetlands, historic fill, or known contaminated sites. A review of USDA Web Soil Survey shows that the soil is appropriate for development without any restrictions.***
- ***There are NJDEP records of groundwater contamination that has migrated across Route 1 to a corner of the property. Monitoring and remedial efforts have been ongoing, and a Classification Exemption Area (CEA) has been defined. The only restriction on that small portion of the property within the CEA relates to drilling wells, which is unlikely to impact any potential development of the property since public infrastructure is available in the area.***

- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

***There are no buildings or permanent improvements in the Study Area, so this criterion does not apply.***

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage

or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

***The Study Area consists of a single tax lot that was acquired in 2023 by the current owner. There is no issue of assemblage or stagnancy. The recent acquisition via NJEDA sale demonstrates that there are no conditions of title that would inhibit the private purchase of the property. The long-term undeveloped nature of the property may be considered stagnant and unproductive, but there does not appear to be any factors inhibiting its development that would lead to a designation under criterion "e".***

- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

***There have not been any improvements in the Study Area destroyed by a natural event as required by criterion "f".***

- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

***The Study Area is not located in an Urban Enterprise Zone.***

- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



***The Study Area is located in Planning Area 1, the "Metropolitan Planning Area, which is considered a "Smart Growth Area" for certain state incentive programs. However, there does not appear to be any further foundation on which to base an argument that the delineation of the Study Area is consistent with smart growth planning principles. There is nothing in the Township's Master Plan to reinforce smart growth planning at this location, and its presence along an auto-centric highway corridor with limited transit access does not generally support smart growth principles. It should also be noted that this criterion is a relatively recent addition to the LRHL and there is no case law that I am aware of that has clarified the evidence necessary to support a finding that criterion "h" is met.***

### **Conclusion**

As stated in the introduction to this memo, and more fully reviewed herein, HGA's investigation and analysis indicates that the Study Area does not meet any of the statutory criteria set forth in the Local Redevelopment and Housing Law to be designated an area in need of redevelopment.